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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (KMW) (DFE)

**DECLARATION OF
JAMES H. MCQUADE IN
SUPPORT OF DEFENDANT
ANDREW SCHASCHL'S
MOTION TO DISMISS THE
COMPLAINT**

I, James H. McQuade, declare:

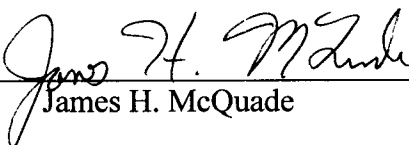
1. I am an attorney admitted to practice before this Court and am employed by Orrick, Herrington & Sutcliffe LLP, counsel for Defendant Andrew Schaschl ("Defendant") in the above-entitled action. I submit this Declaration in support of Defendant's motion, pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, to dismiss the Complaint in its entirety, as it applies to Defendant, for insufficiency of service of process.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Complaint that was filed by Plaintiff Howard Henry in the above-entitled action.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Service upon Defendant, sworn to by Tony Conigliaro on October 9, 2005 and filed with this Court on October 20, 2005.

Executed on December 19, 2005 at New York, New York.

I declare under penalty of perjury that the foregoing is true and correct.



James H. McQuade